

THE CORPORATION OF THE VILLAGE OF PEMBERTON

BY-LAW NO. 518, 2003

BUILDING BY-LAW

WHEREAS section 694 (1) of the *Local Government Act* authorizes the Village of Pemberton (hereafter referred to as “The Village”), for the health, safety and protection of persons and property to regulate the construction, alteration, repair, or demolition of buildings and structures by By-law;

AND WHEREAS the Province of British Columbia has adopted a building code to govern standards in respect of the construction, alteration, repair and demolition of buildings in municipalities and regional districts in the Province;

AND WHEREAS it is deemed necessary to provide for the administration of the building code;

NOW THEREFORE the council of The Village of Pemberton, in open meeting assembled, enacts as follows:

1. TITLE

This By-law may be cited for all purposes as the Building By-law of The Village of Pemberton. Building By-law No. 518.

2. DEFINITIONS

In this By-law:

The following words and terms have the meanings set out in Section 1.1.3.2 of the British Columbia Building Code 1998: *assembly occupancy, building, building area, building height, business and personal services occupancy, care or detention occupancy, constructor, coordinating registered professional, designer, field review, high hazard industrial occupancy, industrial occupancy, low hazard industrial occupancy, major occupancy, mercantile occupancy, medium hazard industrial occupancy, occupancy, owner, registered professional, and residential occupancy.*

Building Code means the *British Columbia Building Code 1998* as adopted by the Minister pursuant to section 692 (1) of the *Local Government Act*, as amended or re-enacted from time to time.

Building Official includes Building Inspectors, Plan Checkers and Plumbing Inspectors designated by the Village of Pemberton.

Complex Building means:

- (a) all *buildings* use for *major occupancies* classified as
 - (i) *assembly occupancies*,
 - (ii) *care or detention occupancies*,
 - (iii) *high hazard industrial occupancies*, and
- (b) all *buildings* exceeding 600 square meters in *building area* or exceeding three storeys in *building height* used for *major occupancies* classified as:

- i) residential occupancies,*
- ii) business and personal services occupancies,*
- iii) mercantile occupancies,*
- iv) medium and low hazard industrial occupancies.*

Health and safety aspects of the work means design and construction regulated by Part 3, Part 4, and sections 9.4, 9.8, 9.9, 9.10, 9.12, 9.14, 9.15, 9.17, 9.18, 9.20, 9.21, 9.22, 9.23, 9.24, 9.31, 9.32, and 9.34 of Part 9 of the **Building Code**.

Standard building means a **building** of three storeys or less in **building height**, having a **building area** not exceeding 600 square meters and used for **major occupancies** classified as

- (a) *residential occupancies,*
- (b) *business and personal services occupancies,*
- (c) *mercantile occupancies,* or
- (d) *medium and low hazard industrial occupancies.*

Structure means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping, fences, paving and retaining structures less than 1.5 meters in height.

3. PURPOSE OF BY-LAW

3.1 The By-law, shall, notwithstanding any other provision herein, be interpreted in accordance with this section

3.2 This By-law has been enacted for the purpose of regulating construction within the Village of Pemberton in the general public interest. The activities undertaken by or on behalf of the The Village pursuant to this By-law are for the sole purpose of providing a limited and interim spot checking function for reason of health, safety and the protection of persons and property. It is not contemplated nor intended, nor does the purpose of this By-law extend

3.2.1 to the protection of **owners**, owner/builders or **constructors** from economic loss;

3.2.2 to the assumption by the Village of Pemberton or any **building official** of any responsibility for ensuring the compliance by any **owner**, his or her representatives or any employees, **constructors** or **designers** retained by him or her, with the **Building Code**, the requirements of this By-law or other applicable enactments respecting safety;

3.2.3 to providing any person a warranty of design or workmanship with respect to any **building** or **structure** for which a building permit or occupancy permit is issued under this By-law;

3.2.4 to providing a warranty or assurance that construction undertaken pursuant to building permits issued by the Village of Pemberton is free from latent, or any defects.

4. PERMIT CONDITIONS

4.1 A permit is required whenever work regulated under this By-law is to be undertaken.

4.2 Neither the issuance of a permit under this By-law nor the acceptance or review of plans, drawings or supporting documents, nor any inspections made by or on behalf of the Village shall in any way relieve the *owner* or his or her representatives from full and sole responsibility to perform the work in strict accordance with this By-law, the *Building Code* and or other applicable enactments respecting safety.

4.3 It shall be the full and sole responsibility of the *owner* (and where the *owner* is acting through a representative, the representative) to carry out the work in respect of which the permit was issued in compliance with the *Building Code* and this By-law or other applicable enactments respecting safety.

4.4 Neither the issuance of a permit under this By-law nor the acceptance or review of plans, drawings or specifications or supporting documents, nor any inspections made by or on behalf of the Village constitute in any way a representation, warranty, assurance or statement that the *Building Code*, this By-law or other applicable enactments respecting safety have been complied with.

4.5 No person shall rely upon any permit as establishing compliance with this By-law or assume or conclude that this By-law has been administered or enforced according to its terms. The person to whom the building permit is issued and his or her representatives are responsible for making such determination.

5. SCOPE AND EXEMPTIONS

5.1 This By-law applies to the design, construction and *occupancy* of new *buildings* and *structures*, and the alteration, reconstruction, demolition, removal, relocation and *occupancy* of existing *buildings* and *structures*.

5.2 This By-law does not apply to *buildings* or *structures* exempted by Part 1 of the *Building Code* except as expressly provided herein, nor to retaining *structures* less than 1.5 meters in height.

6. PROHIBITIONS

6.1 No person shall commence or continue any construction, alteration, reconstruction, plumbing, demolition, removal, relocation or change the *occupancy* of any *building* or *structure*, including excavation or other work related to construction unless a *building official* has issued a valid and subsisting permit for the work..

6.2 No person shall occupy or use any *building* or *structure* unless a valid and final inspection report has been issued by a *building official* for the *building* or *structure*, or contrary to the terms of any permit issued or any notice given by a *building official*.

6.3 No person shall knowingly submit false or misleading information to a *building official* in relation to any permit application or construction undertaken pursuant to this By-law.

6.4 No person shall, unless authorized in writing by a *building official*, reverse, alter, deface, cover, remove or in any way tamper with any notice, permit or certificate posted upon or affixed to a *building* or *structure* pursuant to this By-law.

6.5 No person shall do any work that is substantially at variance with the accepted design or plans of a *building*, *structure* or other works for which a permit has been issued, unless that variance has been accepted in writing by a *building official*.

6.6 No person shall obstruct the entry of a **building official** or other authorized official of the Village on property in the administration of this By-law.

7. BUILDING OFFICIALS

7.1 Each **building official** may:

7.1.1 administer this By-law;

7.1.2 keep records of permit applications, permits, notices and orders issued, inspections and tests made, and shall retain copies of all documents related to the administration of this By-law or microfilm copies of such documents.

7.1.3 establish, if requested to do so, whether the methods or types of construction and types of materials used in the construction of a **building** or **structure** for which a permit is sought under this By-law substantially conform to the requirements of the **Building Code**.

7.2 A **building official**:

7.2.1 may enter any land, **building**, **structure**, or premises at any reasonable time for the purpose of ascertaining that the terms of this By-law are being observed;

7.2.2 where any residence is occupied, shall obtain the consent of the occupant or provide written notice to the occupant 24 hours in advance of entry; and

7.2.3 shall carry proper credentials confirming his or her status as a **building official**.

7.3 A **building official** may order the correction of any work that is being or has been done in contravention of this By-law.

8. APPLICATIONS

8.1 Every person shall apply for and obtain:

8.1.1 a building permit before constructing, repairing or altering a **building** or **structure**;

8.1.2 a moving permit before moving a **building** or **structure**;

8.1.3 a demolition permit before demolishing a **building** or **structure**;

8.1.4 a fireplace and chimney permit prior to the construction of a masonry fireplace or the installation of a wood burning appliance or chimney unless the works are encompassed by a valid building permit.

8.1.5 a blasting permit prior to blasting per By-law #405, 1997.

8.1.6 a plumbing permit prior to constructing or altering any plumbing system.

8.1.7 a fire sprinkler permit prior to construction or altering any fire sprinkler system.

8.2 An application for a moving permit shall be made in the form attached as Form "A".

8.3 An application for a demolition permit shall be made in the form attached as Form "A".

8.4 An application for a fireplace and chimney permit shall be made in the form attached as Form "E".

8.5 an application for a plumbing permit shall be made in the form attached as Form “F”.

8.6 an application for a fire sprinkler permit in the form of Form “J”.

8.7 All plans submitted with permit applications shall bear the name and address of the *designer* of the *building* or *structure*.

8.8 Each *building* or *structure* to be constructed on a site requires a separate building permit and shall be assessed a separate building permit fee based on the value of that *building* or *structure* as determined in accordance with Schedule A.

9. APPLICATIONS FOR COMPLEX BUILDINGS

9.1 An application for a building permit with respect to a *complex building* shall;

9.1.1 be made in the form attached as Form A, signed by the *owner*, or a signing officer if the *owner* is a corporation, and the *coordinating registered professional*;

9.1.2 be accompanied by the *owner's* acknowledgment of responsibility and undertakings made in the form attached as Form B, signed by the *owner*, or a signing officer if the *owner* is a corporation;

9.1.3 include a copy of a title search made within 30 days of the date of the application; and a copy of all covenants, easements, R.O.W.'s etc., registered against the property.

9.1.4 three (3) copies a site plan prepared by a British Columbia Land Surveyor showing:

9.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

9.1.4.2 the legal description and civic address of the parcel;

9.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

9.1.4.4 the location and dimensions of all existing and proposed *buildings* or *structures* on the parcel;

9.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;

9.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a *building* or *structure* where the Village's land use regulations establish siting requirements related to minimum floor elevation; and

9.1.4.7 the location, dimension and gradient of parking and driveway access;

9.1.4.8 the *building official* may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing *building* or *structure*.

9.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.

9.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

9.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations.

9.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;

9.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;

9.1.10 a letter of assurance in the form of Schedule A as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **owner**, or a signing officer of the **owner** if the **owner** is a corporation, and the **coordinating registered professional**.

9.1.11 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **building official** or **Building Code** may require to prepare the **design** for and conduct **field reviews** of the construction of the **building** or **structure**;

9.1.12 three (3) sets of drawings at a suitable scale of the design prepared by each **registered professional** and including the information set out in sections 9.1.5 – 9.1.8 of this By-law;

9.2 in addition to the requirements of section 9.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **complex building** where the complexity of the proposed **building** or **structure** or siting circumstances warrant:

9.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village's subdivision servicing By-law.

9.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

9.2.3 a Building Code analysis showing conformance of the building to the current Building Code.

9.2.4. a zoning analysis showing conformance to the current Zoning By-law and Development Permit.

9.2.5 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this By-law, the **Building Code** and other By-laws and enactments relating to the **building** or **structure**.

10. APPLICATIONS FOR STANDARD BUILDINGS

10.1 An application for a building permit with respect to a **standard building** shall;

10.1.1 be made in the form attached as Form "A", signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.2 be accompanied by the **owner's** acknowledgment of responsibility and undertakings made in the form attached as Form "B", signed by the **owner**, or a signing officer if the **owner** is a corporation;

10.1.3 include a copy of a title search made within 30 days of the date of the application; a copy of all covenants, R.O.W.'s, easements etc., registered against the property.

10.1.4 a site plan prepared by a British Columbia Land Surveyor showing:

10.1.4.1 the bearing and dimensions of the parcel taken from the registered subdivision plan;

10.1.4.2 the legal description and civic address of the parcel;

10.1.4.3 the location and dimensions of all statutory rights of way, easements and setback requirements;

10.1.4.4 the location and dimensions of all existing and proposed **buildings** or **structures** on the parcel;

10.1.4.5 setbacks to the natural boundary of any lake, swamp, pond or watercourse where the Village's land use regulations establish siting requirements related to flooding;

10.1.4.6 the existing and finished ground levels to an established datum at or adjacent to the site and the geodetic elevation of the underside of the floor system of a **building** or **structure** where the Village's land use regulations establish siting requirements related to minimum floor elevation; and 10.1.4.7 the location, dimension and gradient of parking and driveway access;

10.1.4.8 the **building official** may waive the requirements for a site plan, in whole or in part, where the permit is sought for the repair or alteration of an existing **building** or **structure**.

10.1.5 floor plans showing the dimensions and uses of all areas: the dimensions and height of crawl and roof spaces; the location, size and swing of doors; the location, size and opening of windows; floor, wall, and ceiling finishes; plumbing fixtures; structural elements; and stair dimensions.

10.1.6 a cross section through the **building** or **structure** illustrating foundations, drainage, ceiling heights and construction systems;

10.1.7 elevations of all sides of the **building** or **structure** showing finish details, roof slopes, windows, doors, finished grade, and spatial separation calculations.

10.1.8 cross-sectional details drawn at an appropriate scale and at sufficient locations to illustrate that the **building** or **structure** substantially conforms to the **Building Code**;

10.1.9 copies of approvals required under any enactment relating to health or safety, including, without limitation, sewage disposal permits, highway access permits and Ministry of Health approval;

10.1.10 a foundation design prepared by a **registered professional** in accordance with section 4.2 of Part 4 of the **Building Code**, accompanied by letters of assurance in the form of Schedules B- 1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;

10.1.11 the requirements of section 10.1.10 may be waived by a **building official** in circumstances where the **building official** has required a professional engineer's report pursuant to section 699 (2) of the *Local Government Act* the building permit is issued in accordance with sections 699 (5) and (6) of the *Local Government Act*.

10.1.12 The requirements of section 10.1.10 may be waived by a **building official** if documentation, prepared and sealed by a **registered professional**, is provided

assuring that the foundation design substantially complies with section 9.4.4 of Part 9 the **Building Code** and the foundation excavation substantially complies with section 9.12 of Part 9 of the **Building Code**.

10.1.13 three (3) sets of drawings at a suitable scale of the design including the information set out in sections 10.1.5 – 10.1.8 and 10.1.10 of this By-law.

10.2 In addition to the requirements of section 10.1, the following may be required by a **building official** to be submitted with a building permit application for the construction of a **standard building** where the project involves two or more buildings, which in the aggregate total more than 1000 square meters, or two or more buildings that will contain four or more dwelling units, or otherwise where the complexity of the proposed **building** or **structure** or siting circumstances warrant:

10.2.1 site servicing drawings, including sufficient detail of off-site services to indicate locations at the property line, prepared and sealed by a **registered professional**, in accordance with the Village's subdivision servicing By-law.

10.2.2 a section through the site showing grades, **buildings**, **structures**, parking areas and driveways;

10.2.3 a roof plan and roof height calculations;

10.2.4 structural, electrical, mechanical or fire suppression drawings prepared and sealed by a **registered professional**;

10.2.5 letters of assurance in the form of Schedules B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, signed by the **registered professional**;

10.2.6 any other information required by the **building official** or the **Building Code** to establish substantial compliance with this By-law, the **Building Code** and other By-laws and enactments relating to the **building** or **structure**.

11. FEES AND CHARGES

11.1 In addition to applicable fees and charges required under other By-laws, a permit fee, calculated in accordance with Schedule A, shall be paid in full prior issuance of any permit under this By-law.

11.2 An application made for a building permit shall be accompanied by the appropriate plan-processing fee as set out in Schedule A.

11.2.1 The plan-processing fee is non-refundable and shall be credited against the building permit fee when the permit is issued.

11.2.2 An application shall be cancelled and the plan-processing fee forfeited if the building permit has not been issued and the permit fee paid within 180 days of the date of written notification to the **owner** that the permit is ready to be issued.

11.2.3 When an application is cancelled the plans and related documents submitted with the application may be destroyed.

11.3 The **owner** may obtain a refund of the permit fees set out in Schedule A when a permit is surrendered and cancelled before any construction begins, provided:

11.31. the refund shall not include the plan processing fee paid pursuant to section 11.2 of this By-law; and

11.32. no refund shall be made where construction has begun or an inspection has been made.

11.4 Where, due to non-compliance with this By-law, more than two inspections are necessary when one inspection is normally required, for each inspection after the second inspection, a re-inspection charge as set out in Schedule A shall be paid prior to additional inspections being performed.

11.5 For a required permit inspection requested to be done after the hours during which the offices of The Village are normally open, an inspection charge shall be payable based on the time actually spent in making such inspection, including travel time, as set out in Schedule A.

11.6 An inspection charge, as set out in Schedule A, shall be payable in advance for a voluntary inspection to establish compliance of or to obtain a report on the status of an existing *building* or *structure* for which a permit is sought under this By-law.

12. BUILDING PERMITS

12.1 When:

12.1.1 a completed application including all required supporting documentation has been submitted;

12.1.2 the proposed work set out in the application substantially conforms with the *Building Code*, this By-law and all other applicable By-laws and enactments;

12.1.3 the *owner* or his or her representative has paid all applicable fees set out in section 11.1 of this By-law;

12.1.4 the *owner* or his or her representative has paid all charges and met all requirements imposed by any other enactment or By-law;

12.1.5 no enactment, covenant, agreement, or regulation in favour or, or regulation of, The Village authorizes the permit to be withheld;

12.1.6 the *owner* has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*;

12.1.7 the *owner* has retained an architect if required by the provisions of the *Architects Act*; a *building official* shall issue the permit for which the application is made.

12.2 When the application is in respect of a *building* that includes, or will include, a *residential occupancy*, the building permit must not be issued unless the *owner* provides evidence pursuant to section 30 (1) of the *Homeowner Protection Act* that the proposed *building*:

12.2.1 is covered by home warranty insurance, and

12.2.1 the *constructor* is a licensed residential builder.

12.3 Section 12.2 of this By-law does not apply if the *owner* is not required to be licensed and to obtain home warranty insurance in accordance with sections 20 (1) or 30 (1) of the *Homeowner Protection Act*.

12.4 every permit is issued upon the condition that the permit shall expire and the rights of the *owner* under the permit shall terminate if:

12.4.1 the work authorized by the permit is not commenced within 12 months from the date of issuance of the permit; or

12.4.2 work is discontinued for a period of 12 months.

12.5 a **building official** may extend the period of time set out under sections 12.4.1 and 12.4.2 where construction has not been commenced or where construction has been discontinued due to adverse weather, strikes, material or labour shortages, or similar hardship beyond the **owner's** control.

12.6 a **building official** may issue an excavation permit in the form of Form "C" prior to the issuance of a building permit.

12.7 a **building official** may issue a building permit in the form of Form "A"

12.8 a **building official** may issue a plumbing permit for a portion of a **building** or **structure** before the design, plans and specifications for the entire **building** or **structure** have been accepted, provided sufficient information has been provided to The Village to demonstrate to the **building official** that the portion authorized to be constructed substantially complies with this and other applicable By-laws and the permit fee applicable to that portion of the **building** or **structure** has been paid. The issuance of the permit notwithstanding, the requirements of this By-law apply to the remainder of the **building** or **structure** as if the permit for the portion of the **building** or **structure** had not been issued.

12.9 When a site has been excavated under an excavation permit issued pursuant to section 12.6 of this By-law and a building permit is not subsequently issued or a subsisting building permit has expired in accordance with the requirements of section 13.4, but without the construction of the **building** or **structure** for which the building permit was issued having commenced, the **owner** shall fill in the excavation to restore the original gradients of the site within 60 days of being served notice by The Village to do so.

13. DISCLAIMER OF WARRANTY OR REPRESENTATION

13.1 Neither the issuance of a permit under this By-law, the review and acceptance of the design, drawings, plans or specifications, nor inspections made by a **building official**, shall constitute a representation or warranty that the **Building Code** or the By-law have been complied with or the **building** or **structure** meets any standard of materials or workmanship, and no person shall rely on any of those acts as establishing compliance with the **Building Code** or this By-law or any standard of construction.

14. PROFESSIONAL DESIGN AND FIELD REVIEW

14.1 When a **building official** considers that the site conditions, size or complexity of a development or an aspect of a development warrant, he or she may require a **registered professional** provide design and plan certification and **field review** by means of letters of assurance in the form of Schedules B-1, B-2 and C-B referred to in section 2.6 of Part 2 of the **Building Code**.

14.2 Prior to the issuance of a final inspection report for a **complex building**, or **standard building** in circumstances where letters of assurance have been required in accordance with sections 10.1.10, 10.2.5 or 14.1 of this By-law, the **owner** shall provide the The Village with letters of assurance in the form of Schedules C-A or C-B, as is appropriate, referred to in section 2.6 of Part 2 of the **Building Code**.

14.3 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5, 14.1 or 14.2 of this By-law, he or she shall also provide proof of professional liability insurance to the **building official** in the form of Form "G".

15. RESPONSIBILITIES OF THE OWNER

15.1 Every **owner** shall ensure that all construction complies with the **Building Code**, this By-law and other applicable enactments respecting safety.

15.2 Every **owner** to whom a permit is issued shall be responsible for the cost of repair of any damage to municipal works that occurs in the course of the work authorized by the permit.

15.3 Every **owner** to whom a permit is issued shall, during construction:

15.3.1 post and maintain the permit in a conspicuous place on the property in respect of which the permit was issued;

15.3.2 keep a copy of the accepted designs, plans and specifications on the property; and

15.3.3 post the civic address on the property in a location visible from any adjoining streets.

16. INSPECTIONS

16.1 When a **registered professional** provides letters of assurance in accordance with sections 9.1.11, 10.1.10, 10.2.5, 15.1 or 15.2 of this By-law, The Village will rely solely on **field reviews** undertaken by the **registered professional** and the letters of assurance submitted pursuant to section 15.2 of this By-law as assurance that the construction substantially conforms to the design and that the construction substantially complies with the **Building Code**, this By-law and other applicable enactments respecting safety.

16.2 Notwithstanding section 17.1 of this By-law, a **building official** may attend the site from time to time during the course of construction to ascertain that the **field reviews** are taking place and to monitor the **field reviews** undertaken by the **registered professionals**.

16.3 A **building official** may attend periodically at the site of the construction of **standard buildings** or **structures** to ascertain whether the **health and safety aspects of the work** are being carried out in substantial conformance with the those portions of the **Building Code**, this By-law and any other applicable enactment concerning safety.

16.4 The owner or his or her representative shall give at least 72 hours notice to The Village when requesting an inspection and shall obtain an inspection and receive a **building official's** acceptance of the following aspects of the work prior to concealing it:

16.4.1 installation of perimeter drain tiles and damp proofing, prior to back filling;

16.4.2 the preparation of ground, including ground cover, when required, prior to the placing of a concrete slab;

16.4.3 rough in of factory built chimneys and fireplaces and solid fuel burning appliances;

16.4.4 the framing and sheathing; after the installation of the rough in plumbing system and rough in electrical.

16.4.5 insulation and vapour barrier;

16.4.6 when the **building** or **structure** is substantially complete and ready for **occupancy**, but before **occupancy** takes place of the whole or part of the **building** or **structure**.

16.5 No aspect of the work referred in section 16.4 of this By-law shall be concealed until a **building official** has accepted it in writing.

16.6 The requirements of section 16.4 of this By-law do not apply to any aspect of the work that is the subject of a *registered professional's* letter of assurance provided in accordance with sections 9.1.11, 10.1.10, 10.2.5, 14.1 or 14.2 of this By-law.

17. FINAL INSPECTION

17.1 No person shall occupy a *building* or *structure* or part of a *building* or *structure* until a final inspection has been issued in the form of a final inspection report.

17.2 A final inspection shall not be issued unless:

17.2.1 all letters of assurance have been submitted when required in accordance with sections 9.1.11, 10.1.10, 10.2.5, 14.1 and 14.2 of this By-law.

17.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 16.4 of this By-law have both been inspected and accepted or the inspections and acceptance are not required in accordance with section 16.5 of this By-law.

17.3 A *building official* may issue a final inspection for part of a *building* or *structure* when the part of the *building* or *structure* is self-contained, provided with essential services and the requirements set out in section 17.2 of this By-law have been met with respect to it.

18. BUILDINGS

18.1 All roofing to be class A (wood roofing materials will not be permitted under any circumstances).

18.2 All soffits to be of aluminum or ¾" thick wood. All soffit and gable vents to be metallic, with no openings larger than 3mm.

18.3 *Reasonable Grade* to be established around all single family and duplex dwellings, per Schedule 'B'.

18.4 A 10 m *defensible* zone to be constructed and maintained around all residential buildings, per Schedule 'C'.

19. RETAINING STRUCTURES

19.1 A *registered professional* shall undertake the design and conduct *field reviews* of the construction of a retaining structure greater than 1.5 meters in height. Sealed copies of the design plan and *field review* reports prepared by the *registered professional* for all retaining structures greater than 1.5 meters in height shall be submitted to a *building official* prior to acceptance of the works.

20. SPRINKLERS

20.1 for the purposes of regulating the construction of certain buildings for precautions against fire, the following zones shall be established as the fire limit area:

multi family zones, industrial zones, commercial zones, and comprehensive development zones as set out under the Village of Pemberton zoning By-law No. 466, 2001 as amended from time to time

20.2 Fire sprinklers are required to be installed in all buildings in fire limit areas constructed, structurally renovated or structurally altered after September 1, 1997.

20.3 A building permit will not be issued for construction, structural renovations or structural alteration of a building in a fire limit area unless the applicant for the building permit submits a design drawing showing the location where fire sprinklers will be installed, and letters of assurance in the form of Schedule B-1 and B-2 as referred to in section 2.6 of Part 2 of the **Building Code**, each signed by such **registered professionals** as the **building official** or **Building Code** may require to prepare the **design** for and conduct **field reviews** of the construction of the **building** or **structure**; prior to framing inspection.

20.4 All sprinklers shall be installed and maintained in accordance with National Fire Protection Association Standards for the Installation of Fire Sprinklers N.F.P.A. 13.

21. PERMITS

21.1 a moving permit shall be in the form of Form "A".

21.2 a demolition permit shall be in the form of Form "A".

21.3 a fireplace and chimney permit shall be in the form of Form "E".

21.4 a building permit shall be in the form of Form "A".

21.5 a plumbing permit shall be in the form of Form "F"

21.6 a fire sprinkler permit in the form of Form "J"

22. PENALTIES AND ENFORCEMENT

22.1 Every person who contravenes any provision of this By-law commits an offense punishable on summary conviction and shall be liable to a fine of not more than \$10,000.00 (Ten Thousand Dollars) or to imprisonment for not more than six months.

22.2 Every person who fails to comply with any order or notice issued by a **building official**, or who allows a violation of this By-law to continue, contravenes this By-law.

22.3 A **building official** may order the cessation of any work that is proceeding in contravention of the **Building Code** or this By-law by posting a Stop Work notice in the form of Form "H".

22.4 The **owner** of property on which a Stop Work notice has been posted, and every other person, shall cease all construction work immediately and shall not do any work until all applicable provisions of this By-law have been substantially complied with and the Stop Work notice has been rescinded in writing by a **building official**.

22.5 Where a person occupies a **building** or **structure** or part of a **building** or **structure** in contravention of section 6.2 of this By-law a **building official** may post a Do Not Occupy notice in the form of Form "I" on the affected part of the **building** or **structure**.

22.6 The **owner** of property on which a Do Not Occupy notice has been posted, and every person, shall cease **occupancy** of the **building** or **structure** immediately and shall refrain from further **occupancy** until all applicable provisions of the **Building Code** and this By-law have been substantially complied with and the Do Not Occupy notice has been rescinded in writing by a **building official**.

22.7 Every person who commences work requiring a building permit without first obtaining such a permit shall, if a Stop Work notice is issued and remains outstanding for 30 days, pay an additional charge equal to 50% of the building permit fee prior to obtaining the required building permit.

23. SEVERABILITY

23.1 The provisions of this By-law are severable and the invalidity of any part of this By-law shall not affect the validity of the remainder of this By-law.

24. FORMS AND SCHEDULES

24.1 Forms "A" through "J" and Schedules "A" through "C", will be amended from time to time by municipal council.

25. RESCIND

This by-law rescinds Village of Pemberton or Pemberton Building Bylaw #93, 1973 and its amendments.

READ A FIRST TIME this 16th day of December, 2003

READ A SECOND TIME this 16th day of December, 2003

READ A THIRD TIME this 16th day of December, 2003

RECONSIDERED, FINALLY PASSED AND ADOPTED this 18th day of December, 2003

Mayor

Clerk-Treasurer

Certified to be a true copy of
"The Village of Pemberton Building
Bylaw No. 518, 2003.

Clerk-Treasurer